

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

WILLIAM B. BOWERS,
Petitioner,

v.

Case No. 02-CV-01034

JUDY P. SMITH, Warden,
Oshkosh Correctional Institution,
Respondent.

DECISION AND ORDER

Pro se petitioner William Bowers filed this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. I have extended the deadline for petitioner to file his brief in support of the petition several times. Petitioner now moves for another extension, and he also asks the court to send him copies of some of the pleadings in this case. He says he has been unable to complete his brief because most of his legal documents were misplaced while he was in solitary confinement.

I will ask the clerk to send petitioner the copies he has requested so he can complete his brief. Enclosed with the copies will be a bill for them. Petitioner moves for an order allowing him to pay this bill out of his release account, but I will deny this motion. District courts sometimes order the initial partial filing fee owed by a prisoner under 28 U.S.C. § 1915(b)(1) to be paid out of a person's release account, but this is an exception. The general rule is that the prison should decide how best to manage an inmate's funds.

I will also grant petitioner's request for an extension of the deadline for filing his brief. I will give him until September 30, 2013 to submit it. This should give the clerk time

to mail the requested copies and the petitioner time to review them. I warn petitioner, however, that this will be the last extension. If he fails to submit his brief by this deadline, I will dismiss the petition for failure to prosecute. See Civil L.R. 41(c) (E.D. Wis.); Fed. R. Civ. P. 41(b).

THEREFORE, IT IS ORDERED that petitioner's motion for copies (Docket #41) is **GRANTED**. The clerk shall send plaintiff copies of the documents at Docket #1, 5, 7, 8, 10 and 11, along with a bill for those copies.

IT IS FURTHER ORDERED that petitioner's motion for an order to use his release savings account to pay for the copies from the court (Docket #42) is **DENIED**.

IT IS FURTHER ORDERED that petitioner's motion for an extension of time (Docket #40) is **GRANTED**. Petitioner has until **September 30, 2013** to file his brief in support of his petition. If petitioner fails to file a brief by this deadline, his petition will be dismissed for failure to prosecute.

Pursuant to Civil L.R. 7(f), the following page limitations apply: briefs in support of or in opposition to the habeas petition or a dispositive motion filed by respondent must not exceed thirty pages and reply briefs must not exceed fifteen pages, not counting any statements of facts, exhibits, and affidavits.

Dated at Milwaukee, Wisconsin, this 26th day of July 2013.

s/ Lynn Adelman
LYNN ADELMAN
District Judge